REMARKS

This Amendment is filed in response to the Office Action mailed on March 7,

2003. All objections and rejections are respectfully traversed.

Claims 1, 3-5, 7-25 are in the case.

Claims 9-25 were added to better claim the invention.

Claims 1, 3-5, 7-8 were amended to better claim the invention.

At Paragraphs 1-2 of the Office Action, claims 1-3, 5-8 were rejected under 35

U.S.C. 102(e) as being anticipated by Hjalmtysson et al. U. S. Patent No. 6,128,305

(hereinafter Hjalmtysson).

The invention, as set forth in representative claim 1, comprises in part:

1. Asynchronous connection-oriented transmission network (10) of the
ATM network type comprising a plurality of switching nodes (12, 14, 16,
18) interconnected by connection lines, each of said switching nodes being
associated with a control point being in charge of determining the best
route between any source node (12) and any destination node (18) when a
connection has to be established therebetween by identifying which of the
connection lines are eligible based upon the requirement of a quality of
service;

said network being characterized in that each one of said plurality of
switching nodes comprises:
    Control ATM Test Application (CATMTA) means (22) and De-
amon ATM Test Application (DATMTA) means (32) so that, at any time,

a user interfacing a source node can test the connectivity of a network connection from said source node to a destination node by initiating a connection procedure wherein a call setup message (Fig. 1) is sent by the CATMTA means of said source node to said destination node and the DATMTA means of said destination node send back an acknowledgement message (Fig. 2) to said source node; and

said Control ATM Test Application (CATMTA) means (22) comprise *means for sending a verification data stream (Fig. 3) to said destination node after receiving said acknowledgement message* and said Deamon ATM Test Application (DATMTA) means (32) comprise *means for sending back a response data stream after receiving said verification data stream, said verification and response data streams being used to check the characteristics of the connection previously established between said source node and said destination node.*

Hjalmtysson discloses a method for establishing a connection in an ATM network. After the connection is established, the destination node sends an acknowledgement message to the source node reporting a committed connection. When a quality of service request has been requested, the quality of service connection may be completed at an arbitrary time after the commit (Col. 17 lines 7-10). After the quality of service connection is established, the destination node transmits an Ack to the source node indicating that the quality of service connection is established (Col. 17 lines 19-23).

Applicant respectfully urges that Hjalmtysson has no disclosure of Applicants' claimed novel *means for sending a verification data stream (Fig. 3) to said destination node after receiving said acknowledgement message* and said Deamon ATM Test Application (DATMTA) means (32) comprise *means for sending back a response data stream after receiving said verification data stream, said verification and response data*

streams being used to check the characteristics of the connection previously established

between said source node and said destination node.

Applicant claims testing the connection for "characteristics". In sharp contrast, Hjalmtysson has no disclosure of testing the connection by the source end station and the destination end station through a communication therebetween using the claimed *verification data stream* and the claimed *response data stream*. In Hjalmtysson the destination end station simply reports that a quality of service connection has been established, and the source end station has no way of verifying that report.

Accordingly, Applicant respectfully urges that Hjalmtysson is legally precluded from anticipating the present invention under 35 U.S.C. 102(e) because of the absence from Hjalmtysson of Applicants' claimed novel *means for sending a verification data stream (Fig. 3) to said destination node after receiving said acknowledgement message* and said Deamon ATM Test Application (DATMTA) means (32) comprise *means for sending back a response data stream after receiving said verification data stream, said verification and response data streams being used to check the characteristics of the connection previously established between said source node and said destination node.*

At Paragraphs 3-4 of the Office Action Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hjalmtysson in view of knowledge of a person of ordinary skill in the art at the time that the invention was made.

Applicant respectfully points out that claim 4 is dependent from an independent claim, and the independent claim is believed to be in condition for allowance. Accordingly, claim 4 is believed to be in condition for allowance.
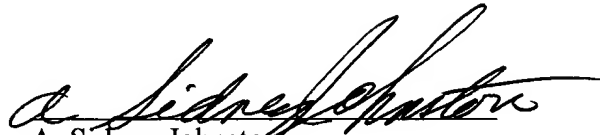
All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims, and therefore in condition for allowance.

Favorable action is respectfully solicited.

Please charge any additional fee occasioned by this paper to our Deposit Account

No. 03-1237.

Respectfully submitted,

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